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10/517,023

10/24/2005

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EXAMINER

RINEHART, KENNETH

ART UNIT

PAPER NUMBER

3743

MAIL DATE

DELIVERY MODE

01/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--|---|--|
| Office Action Summary | Application No. 10/517,023 | Applicant(s) WALKER, WILLIAM C. | |
| | Examiner KENNETH B. RINEHART | Art Unit 3743 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-20 and 22-29 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/10/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/28/09 have been fully considered but they are not persuasive. As can be seen from the reference gases from the thermal oxidizer 26 are vented to the outer chamber 12. As the hot exhaust gases travel upward, the gases heat the inner chamber 10 prior to exiting at 82. Claims in a pending application should be given their broadest reasonable interpretation. The examiner does not believe that it is unreasonable for the reference to read on the broad claim limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Oeck (4,412,889). Oeck shows a thermal reactor (fig. 1) having an inner chamber (10) outer chamber (12) a first conveyor, includes a first screw section (36, auger); and a thermal oxidizer (26), feed hopper (16), controllably feeding (18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oeck (4,412,889) in view of Kawakami (4474524). Oeck discloses a thermal reactor (fig. 1) having an inner chamber (10) outer chamber (12) a first conveyor, includes a first screw section (36, auger); and a thermal oxidizer (26), feed hopper (16). Kawakami teaches side by side relationship and first subchamber and second sub chamber (fig. 3) for the purpose of more effectively transporting the material. It would have been obvious to one of ordinary skill in the art to modify Oeck by including side by side relationship and first subchamber and second sub chamber as taught by Kawakami for the purpose of more effectively transporting the material. The applicant is substituting one known element for another to obtain predictable results.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oeck (4,412,889) in view of Bayer (5,376,340). Oeck discloses a thermal reactor (fig. 1) having an inner chamber (10) outer chamber (12) a first conveyor, includes a first screw section (36, auger); and a thermal oxidizer (26), feed hopper (16). Bayer et al teaches first and second subchambers divided by baffle means (42, 30, 52, 42, 30, figure 1) for the purpose of preventing pollutants from entering the atmosphere. It would have been obvious to one of ordinary skill in the art to modify Oeck by including first and second subchambers divided by baffle means as taught by Bayer et al for the purpose of eliminating pollutants and thus meet environmental regulation regarding air pollution.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oeck (4,412,889) in view of Noland (RE 33776). Oeck discloses a thermal reactor (fig. 1) having an inner chamber (10) outer chamber (12) a first conveyor, includes a first screw section (36,

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auger); and a thermal oxidizer (26), feed hopper (16). Noland teaches a waste conveyor (18), a feed screw (12) for the purpose of transporting the waste. It would have been obvious to one of ordinary skill in the art to modify Oeck by including a waste conveyor, a feed screw as taught by Noland for the purpose of transporting the waste. The applicant is merely combining prior art according to known methods to yield predictable results.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oeck (4,412,889) in view of Yung (5147421). Oeck discloses a thermal reactor (fig. 1) having an inner chamber (10) outer chamber (12) a first conveyor, includes a first screw section (36, auger); and a thermal oxidizer (26), feed hopper (16). Yung teaches atomizer (col. 5, lines 1-14) for the purpose of disposing of the waste stream. It would have been obvious to one of ordinary skill in the art to modify Oeck by including atomizer as taught by Yung for the purpose of disposing of the waste stream. The applicant is combining prior art elements according to known methods to yield predictable results.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oeck (4,412,889) in view of Loken (3,954,069). Oeck discloses a thermal reactor (fig. 1) having an inner chamber (10) outer chamber (12) a first conveyor, includes a first screw section (36, auger); and a thermal oxidizer (26), feed hopper (16). Loken teaches dryer (2, 4, fig. 1, column 2, lines 39-49) for the purpose of improving the efficiency of the system. It would have been obvious to one of ordinary skill in the art to modify Oeck (4,412,889) by including dryer means as taught by Loken for the purpose of improving the efficiency of the system. The applicant is combining prior art elements according to known methods to yield predictable results.

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oeck (4,412,889) in view of Martin. Oeck discloses a thermal reactor (fig. 1) having an inner chamber (10) outer chamber (12) a first conveyor, includes a first screw section (36, auger); and a thermal oxidizer (26), feed hopper (16). Martin teaches a steam generator, turbine (col. 9, lines 4-10) for the purpose of providing a more energy efficient system. It would have been obvious to one of ordinary skill in the art to modify Oeck by including a steam generator, turbine as taught by Martin for the purpose of providing a more energy efficient system. The applicant is combining prior art elements according to known methods to yield predictable results.

Allowable Subject Matter

Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to KENNETH B. RINEHART at telephone number (571)272-4881.

/Kenneth B Rinehart/

Supervisory Patent Examiner, Art Unit 3743